

This is not the official court record. Official records of court proceedings may only be obtained directly from the court maintaining a particular record.

Donna Conrad v. CVS Pharmacy, Inc.

Case Number	84D03-2206-CT-003676
Court	Vigo Superior Court 3
Type	CT - Civil Tort
Filed	06/16/2022
Status	06/16/2022 , Pending (active)

Parties to the Case

Defendant CVS Pharmacy, Inc.

Address

1 CVS Drive  
Woonsocket, RI 02895

Attorney

Nicholas Gene Brunette  
#2704249, Court Appointed

Reminger Co., L.P.A.  
College Park Plaza  
8909 Purdue Road, Suite 200  
Indianapolis, IN 46268  
317-853-7371(W)

Plaintiff Conrad, Donna

Address

2008 N 13th 1/2 St  
Terre Haute, IN 47804

Attorney

Terry R Modesitt  
#1011884, Lead, Retained

401 Ohio St.  
Terre Haute, IN 47807  
812-234-3030(W)

Attorney

Rustie Lynn Mills  
#3470149, Retained

2929 Carlson DR  
STE 100  
Hammond, IN 46323  
219-803-6510(W)

Attorney

Jared Robert Modesitt  
#3003984, Retained

Modesitt Law Firm, P.C.  
401 Ohio Street  
Terre Haute, IN 47807  
812-234-3030(W)

Attorney

Joel Kristopher Modesitt  
#3380884, Retained

401 Ohio Street  
Terre Haute, IN 47807  
812-234-3030(W)

## Chronological Case Summary

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06/16/2022 **Case Opened as a New Filing**

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06/16/2022 **Appearance Filed**

Appearance. cp

For Party: Conrad, Donna  
File Stamp: 06/16/2022

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06/16/2022 **Complaint/Equivalent Pleading Filed**

Complaint. cp

Filed By: Conrad, Donna  
File Stamp: 06/16/2022

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**06/16/2022 Subpoena/Summons Filed**

Summons. cp

Filed By: Conrad, Donna

File Stamp: 06/16/2022

**06/16/2022 Certificate of Service - separately filed**

Certificate of Issuance of Summons

Filed By: Conrad, Donna

File Stamp: 06/16/2022

**06/28/2022 Certified Mail Returned**

Green Card Returned indicating CT Corporation was served. Signature and date illegible. jlh

Party Served: CVS Pharmacy, Inc.

**07/01/2022 Appearance Filed**

Appearance of Nicholas G. Brunette

For Party: CVS Pharmacy, Inc.

File Stamp: 07/01/2022

**07/01/2022 Motion for Enlargement of Time Filed**

Defendant's Agreed Motion for Enlargement of Time to File Responsive Pleading

Filed By: CVS Pharmacy, Inc.

File Stamp: 07/01/2022

**07/05/2022 Order Granting Motion for Enlargement of Time**

Judicial Officer: Mullican, Sarah K. - D03

Noticed: CVS Pharmacy, Inc.

Noticed: Mills, Rustie Lynn

Noticed: Modesitt, Jared Robert

Noticed: Modesitt, Joel Kristopher

Noticed: Modesitt, Terry R

Order Signed: 07/05/2022

**07/05/2022 Notice Issued to Parties**

Order Granting Motion for Enlargement of Time

Noticed: Brunette, Nicholas Gene

**07/06/2022 Automated Paper Notice Issued to Parties**

Order Granting Motion for Enlargement of Time ---- 7/5/2022 : CVS Pharmacy, Inc.

**07/06/2022 Automated ENotice Issued to Parties**

Order Granting Motion for Enlargement of Time ---- 7/5/2022 : Jared Robert Modesitt; Joel Kristopher Modesitt; Rustie Lynn Mills; Terry R Modesitt Notice Issued to Parties ---- 7/5/2022 : Nicholas Gene Brunette

**Financial Information**

\* Financial Balances reflected are current representations of transactions processed by the Clerk's Office. Please note that any balance due does not reflect interest that has accrued – if applicable – since the last payment. For questions/concerns regarding balances shown, please contact the Clerk's Office.

**Conrad, Donna**

Plaintiff

Balance Due (as of 07/22/2022)

0.00

## Charge Summary

Description	Amount	Credit	Payment
Court Costs and Filing Fees	157.00	0.00	157.00

## Transaction Summary

Date	Description	Amount
06/16/2022	Transaction Assessment	157.00
06/16/2022	Electronic Payment	(157.00)

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STATE OF INDIANA ) IN THE VIGO SUPERIOR COURT  
 ) SS:  
 COUNTY OF VIGO ) CAUSE NO. 84D03-2206-CT-003676  
 ) Vigo Superior Court 3  
 )  
 DONNA CONRAD, )  
 Plaintiff, )  
 )  
 v. )  
 )  
 CVS PHARMACY, INC. )  
 Defendant. )

**APPEARANCE FORM**

(Initiating Party)

NAME OF INITIATING PARTY: Donna Conrad

## ATTORNEY INFORMATION

Name:	Terry R. Modesitt	Atty # 10118-84	E-Mail: <a href="mailto:terry@modesittlawfirm.com">terry@modesittlawfirm.com</a>
	Jared R. Modesitt	30039-84	<a href="mailto:jared@modesittlawfirm.com">jared@modesittlawfirm.com</a>
	Joel Modesitt	33808-84	<a href="mailto:joel@modesittlawfirm.com">joel@modesittlawfirm.com</a>
	Rusti L. Mills	34701-49	<a href="mailto:rmills@modesittlawfirm.com">rmills@modesittlawfirm.com</a>

Address: MODESITT LAW FIRM, PC	Telephone: (812) 234-3030
401 Ohio Street	FAX: (812) 232-3232
Terre Haute, IN 47807	Will accept Fax service

CASE TYPE REQUESTED: CT

WILL ACCEPT FAX SERVICE: YES X NO\_\_\_\_\_

{ See Administrative Rule 8(b)(3) }

/s/ Terry R. Modesitt  
 Terry R. Modesitt, #10118-84  
 MODESITT LAW FIRM, PC  
 401 Ohio Street  
 Terre Haute, IN 47807  
 (812) 234-3030; (812) 232-3232 (Fax)

STATE OF INDIANA	)	IN THE VIGO SUPERIOR COURT
	) SS:	
COUNTY OF VIGO	)	CAUSE NO. 84D03-2206-CT-003676
	)	Vigo Superior Court 3
DONNA CONRAD,	)	
Plaintiff,	)	
	)	
v.	)	
	)	
CVS PHARMACY, INC.	)	
Defendant.	)	

### **COMPLAINT FOR DAMAGES**

COMES NOW the Plaintiff, Donna Conrad, by counsel, Terry R. Modesitt, of Modesitt Law Firm, P.C., and his complaint against the Defendant, CVS Pharmacy, Inc., alleges and says:

1. That Defendant, CVS Pharmacy, Inc., is a Foreign For-Profit Corporation in Indiana and owns property located at 1320 Maple Avenue in Terre Haute, Vigo County, State of Indiana.
2. That on or about March 2, 2021, Plaintiff, Donna Conrad, was a business invitee upon the property of Defendant at said CVS Pharmacy located at 1320 Maple Avenue, Terre Haute, IN 47804, when as a result of the negligence of the Defendant, Plaintiff fell due to a foreign object in the aisle.
3. That the Defendant negligently failed to maintain the aisles of their store in a safe condition for patrons.
4. That as a direct and proximate result of the Defendant's negligence, the Plaintiff, Donna Conrad, sustained physical injuries and incurred medical expenses, will incur future medical expenses, lost wages, has endured pain and suffering, and permanent injuries.

WHEREFORE, the Plaintiff prays the Court as follows:

1. Plaintiff, Donna Conrad, prays for judgment against the Defendant in a sum sufficient to compensate her for present and future medical expenses and pain and suffering, permanent injuries, and any and all other damages incurred.
2. Plaintiff further prays for the costs of this action and for all other just and proper relief in the premises.

Respectfully submitted,

/s/ Terry R. Modesitt

Terry R. Modesitt, #10118-84  
MODESITT LAW FIRM, PC  
401 Ohio Street  
Terre Haute, IN 47807  
(812) 234-3030; (812) 232-3232 (Fax)  
Attorney for Plaintiff

REQUEST FOR TRIAL BY JURY

COMES NOW the Plaintiff, Donna Conrad, by counsel, Terry R. Modesitt, and respectfully requests that the above cause of action be tried by jury in accordance with Rule 38 of the Indiana Rules of Trial Procedure.

Respectfully submitted,

/s/ Terry R. Modesitt

Terry R. Modesitt, #10118-84  
MODESITT LAW FIRM, PC  
401 Ohio Street  
Terre Haute, IN 47807  
(812) 234-3030; (812) 232-3232 (Fax)  
Attorney for Plaintiff

STATE OF INDIANA )  
COUNTY OF VIGO ) SS:  
DONNA CONRAD, ) CAUSE NO. 84D03-2206-CT-003676  
Plaintiff, )  
v. ) Defendant: C T Corporation System  
CVS PHARMACY, INC. ) C/O CVS Pharmacy, Inc.  
Defendant. ) 334 North Senate Avenue  
Indianapolis, IN 46204

SUMMONS

TO THE ABOVE-NAMED DEFENDANT OR DEFENDANTS:

You have been sued by the persons(s) named "Plaintiff", in the Court stated above. The nature of the suit against you is stated in the complaint which is attached to this summons. It also states the demand which the Plaintiff has made against you. You must answer the complaint in writing, by you or your attorney, within twenty (20) days, commencing the day after you receive this summons, (you have twenty-three (23) days to answer if this summons was received by mail), or judgment will be entered against you for what the Plaintiff has demanded. If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

The following manner of service of summons is hereby designated: CERTIFIED MAIL.

Dated: 6/16/2022  
Terry R. Modesitt  
MODESITT LAW FIRM, P.C.  
Attorneys for Plaintiff  
401 Ohio Street  
Terre Haute, IN 47807

CP

(SEAL)

CERTIFICATE OF MAILING

I hereby certify, that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I mailed a copy of this summons and a copy of the complaint to the Defendant by certified mail, request a return receipt, at the address furnished by the Plaintiff.

Dated: \_\_\_\_\_

Clerk

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify that the attached return receipt was received by me showing that the summons and a copy of the complaint mailed to Defendant was accepted by or on behalf of the Defendant on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Clerk

ACKNOWLEDGMENT OF SERVICE

I hereby acknowledge receipt of a copy of the summons and a copy of the complaint in the above-entitled cause of at \_\_\_\_\_, on the \_\_\_\_\_, day of \_\_\_\_\_, 20\_\_\_\_.

Signature of Defendant

RETURN ON SERVICE OF SUMMONS BY SHERIFF

I hereby certify that I have served the within summons:

(1) By delivering a copy of the summons and the complaint to the Defendant, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
(2) By leaving a copy of the summons and a copy of the complaint at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the dwelling house or usual place of abode of the Defendant, \_\_\_\_\_, and by mailing a copy to the Defendant, \_\_\_\_\_, by first class mail, to, the last known address of the Defendant.

Additional: \_\_\_\_\_

Sheriff of \_\_\_\_\_ County

By: \_\_\_\_\_





STATE OF INDIANA	)	IN THE VIGO SUPERIOR COURT
	)	SS:
COUNTY OF VIGO	)	CAUSE NO. 84D03-2206-CT-003676
	)	
DONNA CONRAD,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
CVS PHARMACY, INC.	)	
Defendant.	)	

### CERTIFICATE OF ISSUANCE OF SUMMONS

I hereby affirm that pursuant to the Indiana Rules of Trial Procedure I have attempted service on the following person at the following address as indicated:

Name: CT Corporation System City: Indianapolis

C/O CVS Pharmacy, Inc.

Address: 334 North Senate Avenue State: Indiana

Address: Zip: 46204

Service was attempted by: Modesitt Law Firm, PC.

XX Certified or Registered mail

Tracking Number: 7021 0950 0000 8560 0322

Date Mailed: June 16, 2022

Place of mailing: Modesitt Law Firm, PC 401 Ohio Street Terre Haute, In 47807

Plaintiff requested service by Sheriff of \_\_County, Indiana. Service documents have been mailed to said Sheriff on the date of \_\_\_\_\_.

Other:

Date

Signature: /s/ Terry Modesitt

Plaintiff Phone: 812-234-3030

Printed Name: Terry Modesitt

Plaintiff email: Terry@modesittlawfirm.com

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:  
 CT Corporation System  
 c/o CVS Pharmacy, Inc.  
 334 North Senate Ave.  
 Indianapolis, IN 46204



9590 9402 7312 2028 5616 16

2. Article Number (Transfer from service label)

7021 0950 0000 8560 0322

COMPLETE THIS SECTION ON DELIVERY

A. Signature  
 X ☐ Agent  
☐ Addressee

B. Received by (Printed Name)  
 C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
 If YES, enter delivery address below: ☐ No

**RECEIVED**  
 BRAD M. N.  
 JUN 28 2022

3. Service Type
- ☐ Adult Signature
  - ☐ Adult Signature Restricted Delivery
  - ☐ Certified Mail®
  - ☐ Certified Mail Restricted Delivery
  - ☐ Collect on Delivery
  - ☐ Collect on Delivery Restricted Delivery
  - ☐ Priority Mail Express®
  - ☐ Registered Mail™
  - ☐ Registered Mail Restricted Delivery
  - ☐ Signature Confirmation™
  - ☐ Signature Confirmation Restricted Delivery

Restricted Delivery

USPS TRACKING #

INDIANAPOLIS IN 460



24 JUN 2022 PM 6 L

First Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

9590 9402 7312 2028 5616 16

United States  
Postal Service

**RECEIVED**

BRAD M. NEWMAN

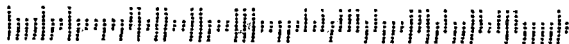
**JUN 28 2022**

Clerk of the  
Vigo Circuit Court

• Sender, Please print your name, address, and ZIP+4® in this box•

Vigo County Clerk  
33 South Third St.  
Courthouse, First Floor  
Terre Haute, IN  
47807

84D03-2206-CT-003676



STATE OF INDIANA ) IN THE VIGO SUPERIOR COURT  
 ) SS:  
 COUNTY OF VIGO ) CAUSE NO. 84D03-2206-CT-003676  
  
 DONNA CONRAD, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 CVS PHARMACY, INC., )  
 )  
 Defendant. )

**E-FILING APPEARANCE BY ATTORNEY IN CIVIL CASE**

**This Appearance Form must be filed on behalf of every party in a civil case.**

1. The party on whose behalf this form is being filed is:  
 Initiating \_\_\_\_\_ Responding X Intervening \_\_\_\_\_ ; and

the undersigned attorney and all attorneys listed on this form now appear in this case for the following parties:

Name of party: Hook-SupeRx, LLC (improperly named CVS Pharmacy, Inc.)

Address of party *(see Question # 5 below if this case involves a protection from abuse order, a workplace violence restraining order, or a no-contact order)*

Telephone # of party \_\_\_\_\_

*(List on a continuation page additional parties this attorney represents in this case.)*

2. Attorney information for service as required by Trial Rule 5(B)(2)

Name: Nicholas G. Brunette Attorney No. 27042-49  
**REMINER CO., LPA**  
 College Park Plaza  
 8909 Purdue Road, Suite 200  
 Indianapolis, IN 46268  
 (317) 663-8570  
 (317) 228-0943 (fax)  
[nbrunette@reminger.com](mailto:nbrunette@reminger.com)

**IMPORTANT:** Each attorney specified on this appearance:

- (a) certifies that the contact information listed for him/her on the Indiana Supreme Court Roll of Attorneys is current and accurate as of the date of this Appearance;
- (b) **acknowledges that all orders, opinions, and notices from the court in this matter that are served under Trial Rule 86(G) will be sent to the attorney at the email address(es) specified by the attorney on the Roll of Attorneys regardless of the contact information listed above for the attorney;** and
- (c) understands that he/she is solely responsible for keeping his/her Roll of Attorneys contact information current and accurate, see Ind. Admis. Disc. R. 2(A).

Attorneys can review and update their Roll of Attorneys contact information on the Courts Portal at <http://portal.courts.in.gov>.

- 3. This is a CT case type as defined in administrative Rule 8(B)(3).
- 4. This case involves child support issues. Yes \_\_\_\_ No X *(If yes, supply social security numbers for all family members on a separately attached document filed as confidential information on **light green paper**. Use Form TCM-TR3.1-4.)*
- 5. This case involves a protection from abuse order, a workplace violence restraining order, or a no – contact order. Yes \_\_\_\_ No X *(If Yes, the initiating party must provide an address for the purpose of legal service but that address should not be one that exposes the whereabouts of a petitioner.)* The party shall use the following address for purposes of legal service:

\_\_\_\_\_ Attorney's address

\_\_\_\_\_ The Attorney General Confidentiality program address  
(contact the Attorney General at 1-800-321-1907 or e-mail address is **confidential@atg.in.gov**).

\_\_\_\_\_ Another address (provide)

---

This case involves a petition for involuntary commitment. Yes \_\_\_\_ No X

- 6. If Yes above, provide the following regarding the individual subject to the petition for involuntary commitment:
  - a. Name of the individual subject to the petition for involuntary commitment if it is not already provided in #1 above:  
\_\_\_\_\_
  - b. State of Residence of person subject to petition: \_\_\_\_\_
  - c. At least one of the following pieces of identifying information:
    - (i) Date of Birth \_\_\_\_\_
    - (ii) Driver's License Number \_\_\_\_\_

State where issued \_\_\_\_\_ Expiration date \_\_\_\_\_

(iii) State ID number \_\_\_\_\_

State where issued \_\_\_\_\_ Expiration date \_\_\_\_\_

(iv) FBI number \_\_\_\_\_

(v) Indiana Department of Corrections Number \_\_\_\_\_

(vi) Social Security Number is available and is being provided in an attached confidential document Yes \_\_\_\_\_ No \_\_\_\_\_

7. There are related cases: Yes \_\_\_\_\_ No X (*If yes, list on continuation page.*)

8. Additional information required by local rule:

\_\_\_\_\_

9. There are other party members: Yes \_\_\_\_\_ No X (*If yes, list on continuation page.*)

10. This form has been served on all other parties and Certificate of Service is attached:

Yes X No \_\_\_\_\_

/s/ Nicholas G. Brunette

Nicholas G. Brunette, #27042-49

Attorney-at-Law

(Attorney information shown above.)

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document has been filed electronically this 1<sup>st</sup> day of July, 2022 via the Court's Electronic Filing System and that notice of this filing will be provided to all counsel of record via the Court's Electronic Filing System to:

Terry R. Modesitt  
Jared R. Modesitt  
Joel Modesitt  
Rusti L. Mills  
**MODESITT LAW FIRM, PC**  
401 Ohio Street  
Terre Haute, IN 47807  
[terry@modesittlawfirm.com](mailto:terry@modesittlawfirm.com)  
[jared@modesittlawfirm.com](mailto:jared@modesittlawfirm.com)  
[joel@modesittlawfirm.com](mailto:joel@modesittlawfirm.com)  
[rmills@modesittlawfirm.com](mailto:rmills@modesittlawfirm.com)  
(*Counsel for Plaintiff*)

/s/ Nicholas G. Brunette

Nicholas G. Brunette, #27042-49

**REMINER CO., LPA**

STATE OF INDIANA	)	IN THE VIGO SUPERIOR COURT
	) SS:	
COUNTY OF VIGO	)	CAUSE NO. 84D03-2206-CT-003676
DONNA CONRAD,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
CVS PHARMACY, INC.,	)	
	)	
Defendant.	)	

**DEFENDANT, HOOK-SUPERX, LLC (IMPROPERLY NAMED CVS PHARMACY, INC.'S), AGREED MOTION FOR ENLARGEMENT OF TIME TO FILE RESPONSIVE PLEADING**

Defendant, Hook-SupeRx, LLC (improperly named CVS Pharmacy, Inc.), by counsel, and pursuant to the Indiana Rules of Trial Procedure, Trial Rule 6(B), files its Motion for Enlargement of Time of thirty (30) days in which to plead or otherwise respond to Plaintiff's Complaint for Damages. In support thereof, Defendant states:

1. Plaintiff's Complaint for damages was filed herein on June 16, 2022 and received by this Defendant on or about June 24, 2022.
2. Undersigned counsel was just retained to represent this Defendant and is needing an enlargement of time to investigate the basis of the Plaintiff's Complaint for Damages and to evaluate a proper response. Defendant requests thirty (30) days, up to and including August 15, 2022, within which to answer or otherwise respond to Plaintiff's Complaint for Damages.
3. This request is not made for the purpose of delay and will not interfere with any case management or trial dates, nor will it prejudice any party's ability to prosecute their respective claims or defenses.



4. Counsel for this Defendant has contacted counsel for Plaintiff regarding this motion, Plaintiff has no objection to this motion.

WHEREFORE, Defendant, Hook-SupeRx, LLC (improperly named CVS Pharmacy, Inc.), by counsel, requests an enlargement of time of thirty (30) days in which to file a response to the Plaintiff's Complaint for Damages, to an including August 15, 2022, and for all other appropriate relief.

Respectfully submitted,

/s/ Nicholas G. Brunette

Nicholas G. Brunette, #27042-49

**REMINER CO., LPA**

College Park Plaza

8909 Purdue Road, Suite 200

Indianapolis, IN 46268

(317) 663-8570 / (317) 228-0943 (fax)

[nbrunette@reminger.com](mailto:nbrunette@reminger.com)

*(Counsel for Defendant, Hook-SupeRx*

*(improperly named CVS Pharmacy, Inc.)*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document has been filed electronically this 1<sup>st</sup> day of July, 2022 via the Court's Electronic Filing System and that notice of this filing will be provided to all counsel of record via the Court's Electronic Filing System to:

Terry R. Modesitt  
Jared R. Modesitt  
Joel Modesitt  
Rusti L. Mills  
**MODESITT LAW FIRM, PC**  
401 Ohio Street  
Terre Haute, IN 47807  
[terry@modesittlawfirm.com](mailto:terry@modesittlawfirm.com)  
[jared@modesittlawfirm.com](mailto:jared@modesittlawfirm.com)  
[joel@modesittlawfirm.com](mailto:joel@modesittlawfirm.com)  
[rmills@modesittlawfirm.com](mailto:rmills@modesittlawfirm.com)  
(*Counsel for Plaintiff*)

/s/ Nicholas G. Brunette

Nicholas G. Brunette, #27042-49

**REMINER CO., LPA**

STATE OF INDIANA	)	IN THE VIGO SUPERIOR COURT
	) SS:	
COUNTY OF VIGO	)	CAUSE NO. 84D03-2206-CT-003676
DONNA CONRAD,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
CVS PHARMACY, INC.,	)	
	)	
Defendant.	)	

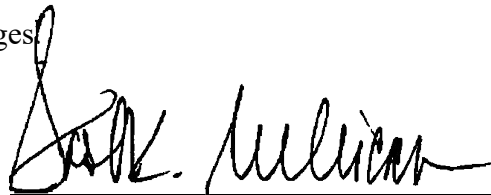
**ORDER GRANTING DEFENDANT'S ENLARGEMENT OF TIME**

The Court, having considered the Defendant, Hook-SuperRx, LLC (improperly named CVS Pharmacy, Inc.'s), Unopposed Motion for Enlargement of Time, hereby GRANTS said Motion.

IT IS THEREFORE ORDERED that the Defendant, Hook-SuperRx, LLC (improperly named CVS Pharmacy, Inc.), shall have until August 15, 2022, in which to answer or otherwise plead to the Plaintiff's Complaint for Damages.

7/5/2022

DATE



JUDGE, VIGO SUPERIOR COURT

**Distribution:**

Via IEFS



MH